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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,288	03/01/2002	Robert C. Mayes	10014732-1	2038

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EXAMINER

WU, RUTAO

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,288	MAYES ET AL.	
	Examiner	Art Unit	
	Rob Wu	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 15, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 11, the claims recite the limitation "can be physically negotiated and traded between multiple people before the postage indicia is redeemed." It is unclear from the claims as to whether the applicant intends the limitation to be a mere possibility or as a necessary part of the claims as a whole.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7-8, 10-15, 17 so long as being definite are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,865,558 to Pierce et al.

Referring to claim 1:

A delivery service, comprising:

A first mail system configured to receive a mail piece addressed to an entity and including postage indicia indicating an initial value, determine a cost for delivering the mail piece to the entity, modify the postage indicia to indicate a remaining value wherein the remaining value indicates the initial value reduced by the cost for delivering the mail piece, and transfer the mail piece; and (col 5: lines 48-51)

A second mail system configured to receive the postage indicia indicating the remaining value, process the postage indicia to determine the remaining value of the postage indicia, and indicate the remaining value of the postage indicia. (col 6: lines 4-7)

Pierce et al does not expressly disclose wherein the postage indicium with the remaining value is a negotiable instrument. However, the Examiner submits that postage indicia being a negotiable instrument are old and well known, as evident by stamp collectors who sell and trade collected stamps.

Referring to claims 2 and 12:

The delivery service of claim 1 wherein the second mail system is further configured to:

Modify the postage indicia indicating the remaining value to cancel the remaining value of the postage indicia. (col 5: lines 48-51)

Referring to claim 3:

The delivery service of claim 1, wherein the second mail system is further configured to:

Compensate the entity for the remaining value of the postage indicia. (col 5: lines 54-57)

Referring to claim 4:

The delivery service of claim 3 wherein the second mail system is further configured to:

Credit an account for the entity based on the remaining value of the postage indicia to compensate the entity. (col 5: lines 54-57)

Referring to claim 5:

The delivery service of claim 3 wherein the second mail system is further configured to:

Transfer funds to a bank account for the entity based on the remaining value of the postage indicia to compensate the entity. (col 5: lines 54-57)

Referring to claim 7:

The delivery service of claim 1 wherein the postage indicia includes anti-counterfeiting content. (col 7: lines 4-13)

Referring to claim 8:

The delivery service of claim 1 wherein the postage indicia comprises text printed on the mail piece. (FIG 4a, 4b; col 4: lines 42-63)

Referring to claim 10:

The delivery service of claim 1 wherein the second mail system comprises a user interface configured to display the remaining value of the postage indicia. (col 5: lines 43-47)

Referring to claim 11:

A method of operating a delivery service, the method comprising:

Receiving a mail piece addressed to an entity and including postage indicia indicating an initial value; (col 5: lines 19-40)

Determining a cost for delivery the mail piece to the entity; (col 5: lines 48-51)

Modifying the postage indicia to indicate a remaining value wherein the remaining value indicates the initial value reduced by the cost for delivery the mail piece; (col 5: lines 48-51)

Pierce et al does not expressly disclose wherein the postage indicia with the remaining value is a negotiable instrument. However, the Examiner submits that postage indicia being a negotiable instrument is old and well known, as evident by stamp collectors who sell and trade collected stamps.

Delivering the mail piece to the entity; and (col 5: lines 62-64)

Compensating a particular entity that presents the postage indicia for the remaining value indicated by the postage indicia without requiring a data center to dispatch the remaining value. (col 7: lines 39-42)

Referring to claim 13:

The method of claim 11 further comprising:

Receiving the postage indicia that indicates the remaining value from the entity prior to compensating the entity. (col 6: lines 4-7)

Referring to claim 14:

The method of claim 11 wherein compensating the entity comprises:

Crediting an account for the entity based on the remaining value of the postage indicia. (col 5: lines 54-57)

Referring to claim 15:

The method of claim 11 wherein compensating the entity comprises:

Transferring funds to a bank account for the entity based on the remaining value of the postage indicia. (col 5: lines 54-57)

Referring to claim 17:

The method of claim 11 wherein the postage indicia includes anti-counterfeiting content. (col 7: lines 4-13)

6. Claims 6, 9, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce et al in view of U.S. Pat No. 6,427,139 to Pierce.

As per claims 6 and 16, Pierce et al disclose the ability to transfer funds electronically from one account to another based on the remaining value of the postage indicia. (col 5: lines 54-56)

Pierce et al does not expressly disclose transferring cash based on the remaining value of the postage indicia.

Pierce discloses the ability to transfer by check, credited to credit card, electronically transferred to an account, or provided as a credit.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Pierce et al's invention can transfer funds by cash. The reason one would want to include the ability to transfer by cash is that all forms of transfers are accepted.

As per claim 9, Pierce et al does not disclose wherein the postage indicia comprises a barcode printed on the mail piece.

Pierce does disclose barcode printed on the mail piece. (Fig 1 and Fig 4)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Pierce et al's invention to include barcodes on the mail piece. One would be motivated to perform such modification because barcode graphics also provide a useful format for employing digital signature cryptographic transformations to establish the authenticity of value messages.

Conclusion

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7. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

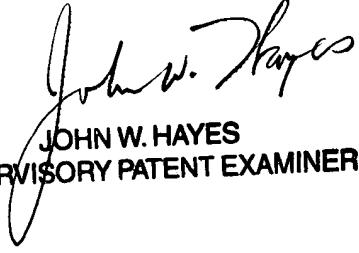
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER